

Administrative Regulation of Online Violence

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Abstract—In the era of new media, the public's participation in and freedom regarding online controversies have significantly increased, leading to frequent occurrences of cyberbullying. Examples include the Liu Xuezhou family search incident and the cyberbullying suffered by the “pink-haired girl” in Hangzhou. Cyberbullying not only disrupts public online order but also infringes upon others' lawful rights and interests, inflicting immense harm on victims' lives and mental well-being. In the current governance of online illegal activities, emphasizing the role of administrative regulation and the preventive management functions of administrative agencies represents an inevitable trend in China's efforts to combat cyberbullying. This paper analyzes the causes of cyberbullying, the current state of its governance, and international administrative legislative examples to formulate and refine China's administrative regulation system for cyberbullying, thereby effectively addressing this phenomenon.

Keywords—cyberbullying, administrative regulation, administrative prevention

I. INTRODUCTION

With the rapid advancement of scientific and information technology in the new era, people have increasingly more channels to express their views online, making cyberbullying a common occurrence. On one hand, due to weak legal awareness, individuals lack proper understanding of the consequences of recklessly posting insulting remarks online that infringe upon others' legitimate rights and interests, resulting in low costs for spreading rumors and high costs for refuting them. On the other hand, loopholes in administrative regulations against cyberbullying and the lag in administrative agencies' governance and punitive measures prevent victims from promptly safeguarding their legitimate rights and interests or halting the escalation of their losses. Therefore, expediting the refinement of administrative regulations against cyberbullying is imperative.

II. DEFINITION AND CHARACTERISTICS OF ONLINE VIOLENCE

A. Definition of Cyberbullying

Cyber violence, as the name suggests, refers to “intangible” violence formed within the internet environment. Precisely because it exists online, this violence manifests primarily as verbal insults, attacks, and abuse. Currently, China lacks a substantive definition of cyberbullying. Infringements committed via the internet are mostly scattered across substantive laws without a clear, unified meaning. Therefore, to better analyze and regulate cyberbullying legally, it requires specific clarification and definition. Similarly, different countries have varying definitions of cyberbullying.

First, the domestic definition of cyberbullying in China. Cyberbullying refers to the repeated and persistent

dissemination of information targeting specific individuals or groups via the internet, constituting general online misconduct or criminal acts. Cyber violence typically manifests as the arbitrary dissemination of abusive insults, rumors, defamatory statements, or privacy violations against individuals on information networks, often targeting complete strangers. This severely damages reputations and degrades personal dignity. Its manifestations primarily include fabricating and disseminating false information, organizing “online troll armies” or other individuals to carry out large-scale dissemination, and using artificial intelligence technology to publish illegal information. Such actions not only disrupt cyberspace and damage the online ecosystem but also infringe upon the lawful rights and interests of others, severely undermining public safety and security.

Second, the definition of cyberbullying abroad. Foreign laws do not explicitly use the term “cyberbullying”, but similar phenomena are described as cyberbullying, incitement of public sentiment, etc. Particularly regarding cyberbullying, it predominantly occurs among youth groups abroad, where individuals or groups anonymously target vulnerable persons through verbal insults and mockery. Inciting public sentiment similarly exhibits the collective nature of cyber violence, exploiting netizens' resentment to propagate harmful information online, causing substantial psychological harm to others.

Third, this paper defines cyberbullying as follows. The author posits that cyberbullying refers to acts committed by individuals or groups online, such as verbal insults, abuse, mutual attacks, or fabricating and disseminating false information, knowingly disseminating false information, or obtaining and disclosing citizens' personal information online through methods like “human flesh searches”. Perpetrators may act from a sense of moral superiority driven by a naive sense of justice or be motivated by self-interest. These actions inflict severe harm on specific individuals through negative impacts such as reputational damage, privacy breaches, and the spread of false statements.

B. Characteristics of Cyberbullying

First, the collective nature of cyberbullying. A defining feature of cyberbullying lies in its collective nature. Its essence stems from the irrational behavior of numerous netizens, driven by factors including immature psychological cognition, weak awareness of the rule of law, and a mentality of taking chances [1]. Consequently, netizens struggle to accurately discern the authenticity of online information. Lacking factual understanding, many become prone to one-sided beliefs, jumping to conclusions based on hearsay, and blindly evaluating or spreading rumors without knowing the full picture. Simultaneously, the rapid dissemination of false information through word-of-mouth, video sharing, and comment reposting further highlights the collective nature of

cyberbullying. Verbal assaults leave victims defenseless. The author contends that it is precisely the cumulative harm inflicted by numerous netizens that renders victims unable to lead normal lives. As exemplified by the widely debated 2022 case of Liu Xuezhou's search for relatives, the widespread dissemination of false claims by self-media outlets and netizens, coupled with verbal attacks on Liu himself, ultimately led to the tragic outcome of this incident.

Second, the rapid dissemination of online information. The internet's defining characteristics are its convenience, immediacy, and speed. Similarly, cyberbullying emerging within this digital environment exhibits corresponding traits. Any photos, videos, or related comments publicly posted on online platforms generate metrics like "page views", "click-through rates", and "share counts". This is especially true for emerging online influencers with millions of followers, whose public readership and repost rates can be hundreds of times greater than those of ordinary users. When such groups disseminate false information, it accelerates the depth and breadth of its spread, triggering public opinion trials that overwhelm victims, leaving them unable or afraid to confront the backlash. Worse still, some engage in paid "online trolling" for profit or personal venting, creating thousands of fake accounts to simultaneously disseminate false narratives on a massive scale. This floods the internet with misleading content, deepening public misunderstanding.

Third, cyberbullying frequently accompanies misinformation. In reality, most cyberbullying stems from misleading or fabricated information, often accompanied by publicly humiliating language. Recent cyberbullying incidents clearly demonstrate that such attacks typically arise from false statements targeting specific individuals. In the case of Liu Xuezhou's death following cyberbullying, numerous netizens spread false claims labeling him "ungrateful", "scheming", and "staging the whole thing". In the case of the "pink-haired girl" in Hangzhou who died after facing online abuse, comments like "a normal school student dyeing her hair violates teacher ethics" and "a teacher dyeing her hair misleads children and corrupts the teaching profession" were both aggressive and insulting; Then in Wuhan, after the mother of a student killed in a collision took her own life following online abuse, comments like "She's covered in designer labels—how appropriate," "This must be an act; she doesn't seem that upset her child died," and "She's just upset the compensation was too low—she must feel perfectly fine taking her son's settlement money" piled on. Amidst a mother's immense grief over losing her son, these false statements became the final straw that broke her... Thus, the dissemination of false and insulting remarks forced the victim into a cycle of self-justification, inflicting immense psychological pressure that ultimately drove her to extremes. In essence, within the familiar social circles of daily life, self-expression tends to be relatively restrained, moderate, and rational. However, online—especially when amplified by collective fervor—people's expressions become more passionate, extreme, and irrational. When the boundaries of familiar social circles dissolve and interpersonal connections fracture, self-expression becomes more unrestrained, creating fertile ground for cyberbullying [2].

Fourth, the value judgment and blindness of online

information. The evaluations of online violent content by numerous netizens often implicitly reflect their personal value orientations and reveal a mindset seeking value recognition—a way to showcase their own moral standards or emotional inclinations toward certain controversial behaviors. Simultaneously, netizens may blindly follow highly popular evaluations, thereby "rightfully" standing on moral high ground to freely insult or judge victims. Amidst the proliferation of cyberbullying phenomena, numerous netizens and self-media accounts have vigorously commented on victims' behaviors to promote their own value stances, even advancing extreme assertions like "victim-blaming". Analysis of past incidents reveals that all cyberbullying cases are saturated with diverse individuals' values and emotional affiliations, coupled with a herd mentality among some groups that lacks rational self-reflection.

III. CURRENT STATUS OF ADMINISTRATIVE REGULATION OF ONLINE VIOLENCE IN CHINA

A. The Necessity of Administrative Regulation for Online Violence

Cyberbullying not only infringes upon victims' civil rights such as reputation and privacy but also constitutes criminal offenses like insult and defamation. Addressing cyberbullying requires coordinated efforts across civil, criminal, and administrative law.

Currently, criminal regulations targeting cyberbullying primarily address crimes against personal and democratic rights or cyber information crimes. However, the absence of specialized legislation in this domain prevents comprehensive enforcement. Civil regulations against cyberbullying mainly rely on tort liability mechanisms. Yet, due to the extreme difficulty for parties to gather evidence and assert their rights, coupled with the lack of effective coordination between tort regulations and public law regulations [3]. Consequently, private rights remedies prove inadequate, appearing "ineffective". For this reason, civil infringement litigation operates on the principle of compensating for damages, while criminal proceedings adopt a punitive rather than preventive stance [4].

Since both civil and criminal regulations focus on events that have already occurred, employing ex post facto remedial mechanisms, they inherently exhibit a degree of lag. Simultaneously, due to the unique nature of cyber violence crimes, criminal and civil laws cannot provide victims with timely and effective relief. Therefore, leveraging administrative law's function of safeguarding public interests and the administrative organs' role in managing administrative counterparts to effectively prevent or stop cyber violence becomes particularly crucial. On one hand, given the collective nature of cyberbullying and the rapid dissemination of information, administrative agencies must respond swiftly to prevent the escalation of harm. Thus, administrative agencies must impose penalties under administrative law for acts that disrupt online order or infringe upon others' lawful rights and interests, thereby deterring perpetrators from further violations. On the other hand, since cyberbullying often revolves around netizens' evaluation and dissemination of false information, the role of

cyber police is indispensable. Enhancing their vigilance to promptly trace the IP addresses of infringing individuals and collect evidence of cyberbullying provides victims with effective remedies, safeguarding their lawful rights, interests, and personal safety.

At present, China's administrative regulation of cyber violence lacks a clear legal definition and a comprehensive, unified legal framework, with provisions scattered across laws such as the Public Security Administration Punishment Law and the Anti-Organized Crime Law. Clarifying the administrative law concept of cyber violence and improving administrative regulation are crucial for enabling administrative agencies to fulfill their preventive and management roles.

B. Shortcomings in China's Current Administrative Regulation of Online Violence

First, the absence of an administrative law concept for cyberbullying. When discussing legal regulation, clearly defining the regulated subject is a fundamental prerequisite [5]. Currently, China's administrative regulations lack a clear conceptual definition of cyberbullying, relying mostly on identifying its characteristics and manifestations in practice. This leads to difficulties in determining the primary responsibility for cyberbullying, leaves administrative agencies without legal grounds for suppression and punishment, and consequently weakens deterrence. As demonstrated in the Liu Xuezhou family search case, netizens failed to recognize that their actions infringed upon others' lawful rights. The absence of an administrative law concept for cyberbullying leaves netizens unaware of its illegality, fueling its escalation while highlighting the phenomenon of group polarization in cyberbullying. The author contends that it is precisely this lack of focus on the administrative law concept of cyberbullying that causes netizens' evaluations to be blind and boundless. Only by clearly defining cyberbullying under administrative law can netizens accurately recognize its illegality and behavioral manifestations. Only then can administrative agencies more accurately determine responsible parties, infringing acts, and causal relationships in relevant cases, thereby taking timely measures to protect victims' rights and hold perpetrators accountable.

Second, the lack of unified administrative regulatory measures. "Currently, China lacks specialized legislation targeting cyberbullying, with relevant provisions scattered across the Civil Code, Criminal Law, Public Security Administration Punishment Law, Cybersecurity Law, and other statutes." Lu Man, a National People's Congress deputy and chairperson of Tianhe Ecological Agriculture Cooperative in Jianhu County, Jiangsu Province, proposed enacting dedicated legislation to address cyberbullying [6]; similarly, the Judicial Interpretation on Handling Criminal Cases Involving Defamation via Information Networks issued by the Supreme People's Court and the Supreme People's Procuratorate stipulates liabilities for defaming others online, which can also be regarded as provisions addressing cyberbullying; and the recently enacted Anti-Organized Crime Law of the People's Republic of China, among others, has implemented certain measures to curb cyberbullying. It is evident that governance measures

for cyberbullying are scattered across various branches of law and regulatory frameworks. This fragmentation leaves administrative agencies lacking concrete regulatory tools to promptly implement punitive measures for suppression, allowing the harm caused by cyberbullying to escalate. The author believes that only by enacting specialized administrative regulations targeting cyberbullying—clearly defining the harmful acts, perpetrators, and legal liabilities involved—can administrative agencies better fulfill their role in punishing cyberbullying. Simultaneously, such regulations would enhance public awareness of cyberbullying, clarify which behaviors constitute it, and outline the legal consequences of perpetrating it, thereby eliminating cyberbullying at its source.

Third, administrative regulations lack punitive measures against negligent online regulators. The rapid spread of false information online stems primarily from the inaction of network regulators. Online regulators primarily include social media platforms, internet service providers, and network administrators. Due to the absence of systematic theoretical research, China's administrative regulations fail to clearly define the functions and responsibilities of these regulators. In most cases, they neglect their duty to conduct timely and comprehensive reviews and monitoring, resorting to remedial actions only after public sentiment escalates. This indirectly indicates that administrative bodies have not fulfilled their oversight and warning roles, with no measures in place to address negligent regulators. As exemplified in the Liu Xuezhou case, social media platforms failed to promptly filter and remove harmful information about the victim, allowing online verbal attacks to persist unchecked. Concurrently, network administrators neglected to issue warnings or impose penalties on the negligent social media platforms, allowing online violence to escalate. This reflects both inadequate awareness of responsibilities among online regulators and insufficient fulfillment of duties. It also highlights deficiencies in administrative regulations regarding penalties for negligent online regulators, as administrative agencies fail to impose timely sanctions on those at fault. This results in weak accountability awareness and low competency among online regulators.

Undoubtedly, strengthening the governance of cyber violence requires intensifying administrative penalties against negligent online regulators, further solidifying platform responsibilities, and establishing concrete and effective administrative regulatory measures for platforms where cyber violence information clusters, prevention mechanisms are inadequate, reporting and handling are untimely, or severe consequences occur. Strictly punishing relevant responsible parties will compel platforms to more consciously maintain online communication order.

Fourth, administrative regulations lack clear accountability for perpetrators. The collective nature of cyberbullying hinders the identification of infringing parties. The perpetrators of cyber violence primarily manifest as direct perpetrators. Furthermore, in cases of cyber violence involving doxxing, the open and interactive nature of the internet facilitates netizens with some social connection to the victim to more conveniently collect and consolidate the victim's information, gradually forming a mosaic of details for exposure. The aggregated information originates from

multiple sources, making it difficult to determine the existence and extent of individual liability, leading to challenges in tracing the root cause [7]. The principle that “the law does not punish the masses” makes it difficult to regulate and penalize numerous netizens, blurring the responsibility of individual actors. As seen in the case of Liu Xuezhou’s search for relatives, influential social media accounts freely engage in moral judgments and verbal attacks on social platforms. False information about victims spreads rapidly online, prompting netizens to blindly follow trends without knowing the full picture, making it hard to identify specific infringers. Consequently, administrative authorities and relevant responsible parties cannot promptly identify and punish infringers, allowing harm to escalate. Therefore, administrative regulations should clearly define the infringing entities and liability determination for cyberbullying. Administrative agencies should thereby identify the initial disseminators of statements, individuals with significant social influence, and those playing pivotal roles in the process, enabling timely detection and swift remediation. Simultaneously, public awareness of the illegality of cyberbullying should be enhanced, warning citizens to regulate their online language.

IV. FOREIGN ADMINISTRATIVE LEGISLATION ON CYBER VIOLENCE AND ITS IMPLICATIONS

A. Foreign Administrative Legislation on Cyber Violence

Taking the United States as an example, relevant U.S. laws do not directly translate the Chinese term “cyber violence” into identical terminology. Similar phenomena are categorized by the legislature into three types: cyberbullying, cyberstalking, and cyberharassment. The U.S. courts garnered significant attention from the legal community when adjudicating the first cyber violence case (the Megan case). In 2008, the U.S. enacted the Cyberbullying Prevention Act, mandating rigorous screening of threatening messages reported by victims. In 2009, the Megan Meir Cyberbullying Prevention Act was introduced. Under this legislation, individuals committing cyberbullying that results in severe consequences face fines, up to two years’ imprisonment, or both.

Take Germany as an example. The country enacted specialized legislation with both administrative and criminal dimensions, supplemented by enforcement laws and supported by cyber police units capable of swiftly prosecuting online violence offenders. In March 2020, Germany passed amendments to its Multimedia Act. This law defines collective online hate speech as incitement to the masses. In January 2018, Germany introduced the Online Enforcement Act, which requires online platforms to block or remove clearly illegal online content within 24 hours and generally illegal content within seven days. It also mandates that platforms provide users with online reporting forms to report cyberbullying incidents.

B. Implications for China

First, clarify and adhere to the principles of administrative legislation against online violence. Fundamental principles in foreign cyber legislation offer valuable insights, such as the principle of free access. This “freedom” is not unprincipled

liberty but involves registering users’ personal information through real-name authentication and user registration to prevent online violence. Additionally, principles like the U.S. classification responsibility for information dissemination and protection of citizens’ personal data strengthen accountability mechanisms, preventing the unchecked spread of false information online [8]. By drawing on these international legislative principles and adapting them to China’s context, we can enhance the effectiveness of administrative legislation against cyberbullying.

Second, improve administrative mechanisms to promptly screen out insulting and threatening remarks. Leverage the administrative role of government agencies in purifying cyberspace, emphasize the government’s leading role, enhance the sensitivity of administrative bodies to harmful speech, comprehensively review and eliminate verbal violence that threatens personal safety and dignity, utilize the role of cyber police, and foster a harmonious online environment.

Third, develop and refine administrative regulations and tracking mechanisms for identifying netizens. The most critical aspect of enforcing administrative regulations is identifying infringers. Timely tracking and identifying perpetrators have become paramount. On one hand, implementing real-name registration systems plays a vital role in tracking and punishing online aggressors. On the other hand, while building upon real-name systems, safeguarding citizens’ freedom of speech must be ensured. Striking a balance between these interests and refining tracking mechanisms will lay the groundwork for effectively governing online violence.

V. IMPROVING ADMINISTRATIVE REGULATION OF ONLINE VIOLENCE IN CHINA

(1) Filling the gap in administrative law concepts

Fully leverage administrative agencies’ capacity to address online violence. First, establish a clear administrative law definition of online violence. Only by clarifying its fundamental characteristics can administrative agencies accurately identify such behaviors, ensuring “laws are followed” and “no law is ignored”. This enables precise targeting of online violence while safeguarding citizens’ rights, preventing administrative abuse of power, and avoiding arbitrary determinations of online violence or responsible parties.

Second, revise specialized administrative regulatory measures for cyberbullying. Implement comprehensive governance, including specifying the types and severity of administrative penalties for infringing actions. Additionally, individuals violating criminal law must bear criminal liability. Legally punishing cyberbullying corrects the current situation where “the law does not punish the masses,” compelling improvements in online literacy and purifying the online ecosystem.

(2) Refine administrative law enforcement mechanisms against cyberbullying and fully leverage the role of cyber police in combating

“The life of the law lies in its implementation.” The most critical aspect of enforcing laws is ensuring their effective application. Improving administrative law enforcement

measures against cyberbullying, strengthening the enforcement capacity of administrative agencies, and fully leveraging the role of cyber police to promptly track and review inappropriate speech, respond in a timely manner, and safeguard the legitimate rights and interests of victims are essential.

First, Article 6 of the People's Police Law of the People's Republic of China stipulates that police officers shall lawfully perform duties including "supervising and managing the security of computer information systems." This indicates that cyber police oversight of internet information constitutes administrative law enforcement within the scope of administrative regulations [9]. Cyber police must promptly track and address cyberbullying incidents, investigating and punishing potential cybercrimes. Concurrently, network operators, administrators, and social media platforms must fulfill their duty to promptly review and remove insulting or false statements, assisting cyber police in cleansing the online environment.

Second, robust online tracking mechanisms must be established to promptly identify perpetrators of infringements. When cyberbullying occurs, cyber police and regulators should trace the perpetrator's IP address, investigate administrative violations, and hold them legally accountable. This places high demands on the online tracking mechanism. Only by accurately and promptly identifying perpetrators can victims' rights be protected and remedied, the escalation of cyberbullying be curbed, and offenders be punished. This also serves as a warning to other netizens that while exercising their right to freedom of speech, they must also fulfill their obligation not to infringe upon the rights of others.

(3) Refine administrative regulations for online oversight and strengthen the supervisory role of administrative agencies

First, administrative regulations must clearly define the obligations of online regulators. Administrative law can stipulate that regulators must fulfill preemptive, concurrent, and post-incident oversight duties [10]. First, preemptive warnings must be issued to promptly address defamatory speech and prevent escalation. Second, real-time intervention is required: when victims report inappropriate content, authorities must immediately halt the infringement and penalize offenders. Finally, post-incident safeguards must mitigate harm to victims and prevent secondary victimization through retaliation.

Second, enhance penalties for network regulators who neglect their duties. Strengthen accountability for negligent regulators. Insufficient penalties have led to weak responsibility and inadequate oversight capabilities. Only by improving administrative regulations can we clearly define responsibilities, enhance regulators' sense of duty, ensure diligent oversight, and impose administrative penalties on negligent regulators. Refining administrative regulations, leveraging the government's leading role and the supervisory function of administrative agencies, will promptly correct the misconduct of negligent online regulators. This will foster a harmonious cyberspace and effectively combat online violence.

(4) Administrative regulations must clearly define the subjects of online violence regulation

Current administrative regulations in China only vaguely target "online participants" as the subjects of cyberbullying regulation. This lack of specificity hinders the effective implementation of administrative measures against cyberbullying in practice. Defining the subjects of cyberbullying regulation would enhance the applicability of administrative provisions. These subjects primarily fall into two categories: major online platform service providers and the broader online community.

For major online platforms, the primary focus should be on supervising platform personnel and enforcing platform responsibilities. Addressing cyberbullying hinges on leveraging the critical role of platforms. Online platform service providers must promptly remove inappropriate content and comprehensively review potential instances of cyberbullying.

For netizens, efforts should focus on two fronts: first, enhancing legal awareness by disseminating relevant laws and regulations on cyberbullying to achieve near-universal coverage, thereby making the public aware of its illegality and infringing nature; second, improving netizens' overall literacy. Cyberbullying essentially represents irrational expression, reflecting to some extent that the moral standards of some netizens require elevation, and that psychological imbalance or loss of rationality can occur under pressure [11]. This will enhance their awareness of proper speech norms and behavior, enabling netizens to "know better" and refrain from casually posting inappropriate comments online, while also reducing blind bandwagon effects.

(5) Administrative agencies should enhance timeliness and sensitivity

Timely detection and swift remediation. For administrative agencies to effectively address online violence, their ability to promptly identify such incidents, respond rapidly, and implement effective measures is paramount. This requires agencies to develop precise analytical capabilities regarding the language and behaviors associated with online violence, coupled with heightened sensitivity to identifying its underlying causes and specific contexts. Only by accurately pinpointing the nature of online violence and determining the liability of infringing parties can timely remediation be achieved.

VI. CONCLUSION

The rapid advancement of 5G internet has brought both positive and negative impacts. "Technology is a double-edged sword." While scientific progress has brought convenience to people's lives, it has also spawned numerous online issues and cybercrimes.

Take cyberbullying as an example: with relatively fewer constraints on online speech, individuals lose the inhibitions present in real life. Moreover, many netizens use the internet as a platform for emotional venting or seeking emotional validation, leading to an endless stream of cyberbullying incidents. Correspondingly, existing governance measures face limitations. Legal gaps in identifying perpetrators' liability and implementing specific governance measures prevent administrative agencies from taking timely and effective countermeasures. The sensitivity of online regulators also requires improvement. Therefore, refining administrative regulations against cyberbullying is urgently

needed, and the demand for leveraging administrative regulatory tools to address this issue has grown increasingly strong.

This paper analyzes the causes of cyberbullying and the current state of governance to explore effective administrative regulatory measures. It aims to leverage the preventive and managerial role of administrative agencies in addressing cyberbullying and effectively handling such behaviors.

CONFLICT OF INTEREST

The author declares no conflict of interest.

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